

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
HUNTINGTON DIVISION**

**STEPHEN S. DREW, individually and on
behalf of a proposed class**

Plaintiff

CASE NO. 3:12:-cv-9022

v.

**ENERGY FUTURE HOLDINGS CORPORATION,
and LUMINANT MINING COMPANY, LLC,**

Defendants.

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

AFFIDAVIT OF BETTY FLESHMAN

Before me, the undersigned Notary Public, on this day personally appeared Betty Fleshman, a person known by me, who stated the following:

1. My name is Betty Fleshman. I am of over 21 years of age, and I have never been convicted of a felony or of a crime involving moral turpitude. I make this Affidavit of my own personal knowledge, and could and would testify competently to the facts and statements herein if called upon to do so.

2. I am employed by EFH Corporate Services Company as an Assistant Corporate Secretary. I work in the company's corporate offices in Dallas, Texas. I also reside in Plano, Texas.

3. Energy Future Holdings Corp. ("EFH") is a Dallas-based energy company that maintains a portfolio of competitive and regulated energy companies in Texas. Luminant Mining Company, LLC ("Luminant") is a wholly-owned subsidiary of EFH. Luminant is the largest

coal-mining operation in the state of Texas, and its operations supply a portion of the fuel for affiliated coal-fueled generation plants in Texas.

4. EFH and Luminant have their principal places of business in Dallas, Texas. EFH and Luminant do not have any offices or locations in West Virginia. EFH and Luminant do not own or lease any property in West Virginia.

5. EFH and Luminant do not have any telephone listing in West Virginia; do not advertise in West Virginia; do not have a West Virginia bank account; and do not pay taxes in West Virginia.

6. EFH and Luminant do not conduct business in West Virginia and do not employ any persons within the state. With the exception of three employees who work in Washington D.C., all EFH and Luminant employees work in Texas. EFH and Luminant have not sent employees to West Virginia for any business purpose.

7. EFH and Luminant do not have any officers or directors who reside in the State of West Virginia. In fact, all of EFH's and Luminant's officers and directors live in Texas.

8. I hereby declare under penalty of perjury that the foregoing information is true and correct within my personal knowledge.

Betty Alesham

3-13-13

Date

Sworn to and subscribed to before me, a Notary Public, this 13th day of March, 2013.

Deborah Mashburn

Notary Public, State of Texas

My Commission Expires: _____

